

**IN THE  
UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**IN RE**

**APPLICATION OF:** Diamond, et al.

**CASE:** 57535.010021

**SERIAL NO:** 10/715,083

**FILED ON:** November 17, 2003

**FOR:** SERIALLY ACCESSIBLE CANDY  
PIECES

**INFORMATION  
DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTENTION OF:**  
Art Unit: 1761  
Examiner: TBD

Dear Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-2428.

In accordance with 37 C.F.R. §1.56 and C.F.R. §1.98, Applicant respectfully submits herewith an Information Disclosure Statement under 37 C.F.R. §1.97(b), and informs the United States Patent and Trademark Office of information which may be material to the examination of the above-identified patent application.

The following documents and things, which comprise the aforementioned information, are as follows:

| <u>PATENT NO.</u> | <u>ISSUE DATE</u> | <u>PATENTEE</u> |
|-------------------|-------------------|-----------------|
| Des 355,442       | 2/14/1995         | Chuang          |
| 2,882,170         | 04/14/1959        | Stewart         |
| 2,903,365         | 09/08/1959        | O'Brian, et al  |
| 3,615,596         | 10/26/1971        | Petti           |
| 3,809,287         | 5/7/1974          | Muller-Scherak  |
| 4,415,092         | 11/15/1983        | Boyer           |

**GREENBERG TRAURIG**

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P55,486

| <u>PATENT NO.</u> | <u>ISSUE DATE</u> | <u>PATENTEE</u> |
|-------------------|-------------------|-----------------|
| 5,345,652         | 9/13/1994         | Chuang          |
| 5,531,318         | 7/2/1996          | Coleman et al   |
| 5,951,184         | 9/14/1999         | Sanchez         |
| 6,004,597         | 12/21/1999        | Coleman et al   |
| 6,099,873         | 8/8/2000          | Coleman et al   |
| 6,319,085 B1      | 11/20/2001        | Coleman et al   |
| 6,328,157 B1      | 12/11/2001        | Tolver          |
| 6,328,163 B1      | 12/11/2001        | Coleman et al   |
| 6,383,536 B1      | 5/7/2002          | Palmer, et al   |

The possibly-relevant information of which Applicants are presently aware also comprise the following items:

- Reference #1: Lisa Frank Eraser Pops, refill erasers and packaging, without the handle/housing, sold or offered for sale in the United States at least as early as November 16, 2002;
- Reference #2: refill eraser made by Bensia in Thailand, marked with U.S. Pat. No. 5,345,652 and U.S. Design 355,442 (which are included in the above list), sold or offered for sale in the United States at least as early as November 16, 2002; and
- Reference #3: push-up replacement point coloring pen made by Bensai Creative Products in Taiwan, sold or offered for sale in the United States at least as early as November 16, 2002.

In accordance with the rules, copies of the foregoing references are attached for consideration by the Examiner.

Should anything further be required, a telephone call to the undersigned, at (312) 456-8400, is respectfully invited.

Respectfully submitted,  
GREENBERG TRAURIG, P.C.



John S. Pacocha

Dated: March 2, 2004



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**CERTIFICATE OF MAILING**

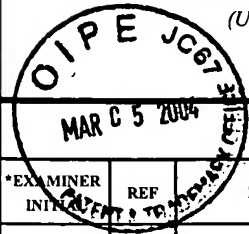
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail on the date indicated below, pursuant to 37 C.F.R. §1.8, in an envelope postage prepaid and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: March 2, 2004

\_\_\_\_\_  
John S. Pacocha

# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Docket Number (Optional)

57535.010021

Application Number

10/715,083

Applicant(s)

Diamond, et al

Filing Date

November 17, 2003

Group Art Unit

1761

## U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIALS | REF | DOCUMENT NUMBER | DATE     | NAME           | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|-----------------------|-----|-----------------|----------|----------------|-------|----------|-------------------------------|
|                       |     | DES 355,442     | 02/14/95 | Chuang         | D19   | 53       | 01/14/94                      |
|                       |     | 2,882,170       | 04/14/59 | Stewart        | 99    | 180      | 06/17/57                      |
|                       |     | 2,903,365       | 09/08/59 | O'Brian, et al | 99    | 138      | 01/22/57                      |
|                       |     | 3,615,596       | 10/26/71 | Petti          | 99    | 138      | 12/04/69                      |
|                       |     | 3,809,287       | 05/07/74 | Muller-Scherak | 221   | 66       | 09/06/72                      |
|                       |     | 4,415,092       | 11/15/83 | Boyer          | 211   | 60 R     | 06/01/81                      |
|                       |     | 5,345,652       | 09/13/94 | Chuang         | 15    | 425      | 01/14/94                      |
|                       |     | 5,531,318       | 07/02/96 | Coleman, et al | 206   | 738      | 03/23/95                      |
|                       |     | 5,951,184       | 09/14/99 | Sanchez        | 401   | 52       | 05/13/97                      |
|                       |     | 6,004,597       | 12/21/99 | Coleman, et al | 426   | 112      | 11/10/97                      |
|                       |     | 6,099,873       | 08/08/00 | Coleman, et al | 426   | 90       | 05/07/99                      |

## FOREIGN PATENT DOCUMENTS

|  | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation |    |
|--|-----|-----------------|------|---------|-------|----------|-------------|----|
|  |     |                 |      |         |       |          | YES         | NO |
|  |     |                 |      |         |       |          |             |    |
|  |     |                 |      |         |       |          |             |    |
|  |     |                 |      |         |       |          |             |    |
|  |     |                 |      |         |       |          |             |    |
|  |     |                 |      |         |       |          |             |    |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|   |   |
|---|---|
| 1 | Lisa Frank Eraser Pops, refill erasers and packaging, without the handle/housing, sold or offered for sale in the United States at least as early as November 16 2002;  |
| 2 | Refill eraser made by Bensia in Thailand, marked with U.S. Pat. No. 5,345,652 and U.S. Design 355,442 (which are included in the above list), sold or offered for sale in the United States at least as early as November 16, 2002; and |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*

ATTY DOCKET NO.

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FILING

November 17, 2003

GROUP

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**U.S. PATENT DOCUMENTS**

| *EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE     | NAME           | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----------------|----------|----------------|-------|----------|-------------------------------|
|                      | 6,319,085 B1    | 11/20/01 | Coleman, et al | 446   | 71       | 02/14/00                      |
|                      | 6,328,157 B1    | 12/11/01 | Tolver         | 206   | 216      | 09/13/00                      |
|                      | 6,328,163 B1    | 12/11/01 | Coleman, et al | 206   | 457      | 2/14/00                       |
|                      | 6,383,536 B1    | 05/07/02 | Palmer, et al  | 426   | 104      | 08/19/99                      |
|                      |                 |          |                |       |          |                               |
|                      |                 |          |                |       |          |                               |
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|                      |                 |          |                |       |          |                               |
|                      |                 |          |                |       |          |                               |

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|  | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|--|-----------------|------|---------|-------|----------|-------------|----|
|  |                 |      |         |       |          | YES         | NO |
|  |                 |      |         |       |          |             |    |
|  |                 |      |         |       |          |             |    |
|  |                 |      |         |       |          |             |    |
|  |                 |      |         |       |          |             |    |
|  |                 |      |         |       |          |             |    |

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

|  |   |   |
|--|---|---|
|  | 3 | Push-up replacement point coloring pen made by Bensai Creative Products in Taiwan, sold or offered for sale in the United States at least as early as ovember 16, 2002. |
|  |   |   |

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